

STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT NO. 1224

T06-0094

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Illinois Central Railroad Company ("Company"), Tyrone Township Road District ("Township"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through staff investigation that inquiry should be made into the matter of improving public safety at the Urbain Road/Township Road ("TR") 229B highway-rail grade crossing of the Company's track near Christopher, in Tyrone Township, Franklin County, Illinois, designated as crossing AAR/DOT #293701W, railroad milepost 83.00-GE; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

<u>Section 1</u> All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

<u>Section 2</u> The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

DOCKETED

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system, by the Company.
- (b) Installation of temporary STOP signs at the Urbain crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Improvement of the highway approaches to comply with the requirements of 92 III. Adm. Code 1535.204, by the Township.

<u>Section 3</u> The Company has prepared detailed drawings, circuit plans and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, and cost estimate are attached and incorporated herein by reference as Exhibit B.

The Township has prepared a preliminary cost estimate to accomplish the proposed approach grade improvements, which may be required by Commission Order. The drawings, and cost estimate are attached and incorporated herein by reference as Exhibit C.

<u>Section 4</u> The Company and the Township shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

SPACE INTENTIONALLY LEFT BLANK

<u>Section 5</u> The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$113,142	95 % \$107,485 ¹	\$0	5% \$5,657 ²
Modify Existing Highway Approaches	\$7,000	100% \$7,000	\$0 ⁴	\$0
Install Temporary STOP Signs TOTALS	No Estimate Required \$120,142	\$0 \$114,485	\$0 \$0	100% ³ \$5,657

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$114,485; any installation costs above the estimated amount of \$120,142 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.;

Company responsible for all future operating and maintenance costs associated with the new automatic

warning devices.

³ Company responsible for all future maintenance costs associated with the temporary STOP Signs, if ordered.

⁴ Township responsible for all future maintenance costs associated with the highway approaches.

<u>Section 6</u> The Township is not financially able to bear an equitable portion of the cost for the proposed improvements and therefore is not required to pay any portion of the cost for the proposed improvements.

<u>Section 7</u> Special Provisions: Since the warning device improvements at the Urbain Road crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

Since the approach improvements at the subject crossing will be performed by Township, flagging and contractor liability insurance will be required for said work.

The Company and the Township shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits D and D1, along with this executed Agreement.

The Company and the Township shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits D and D1, regarding the progress each has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company or Township Project Manager.

All bills for work specified in Section 2 authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Region 5, District 9 Office of the Department at P.O. Box 100, Carbondale, Illinois 62903. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The Department shall not obligate any funds for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

<u>SECTION 8</u> Billing: For all work specified in Section 2 of this Agreement and authorized by an Order of the Commission, the Company and the Township shall provide sufficient documentation for all bills. The <u>minimum</u> documentation requirements are:

- a) <u>Labor Charges (including additives)</u> Copies of employee work hours charged to the railroad and/or highway account code for the project.
- b) <u>Equipment Rental</u> Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad and/or highway account code for the project.
- c) <u>Material</u> An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) <u>Engineering</u> Copies of employee work hours charged to the railroad and/or highway account code for the project.
- e) <u>Supervision</u> Copies of employee work hours charged to the railroad and/or highway account code for the project.
- f) <u>Incidental Charges</u> An itemized list of all incidental charges along with a written explanation of those charges.
- g) <u>Service Dates</u> Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) <u>Final or Progressive</u> Each invoice shall be marked as a Progressive or a Final Invoice.
- i) Reference Numbers Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) <u>Locations</u> Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 3rd day of August 2006.

Michael E. Stead

Rail Safety Program Administrator

Attest:	
Joseph J. Von De Bur	

Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1224, executed by Commission Staff on August 3, 2006, concerning improvements at the Urbain Road/TR 229B highway-rail grade crossing of the Illinois Central Railroad Company tracks near Christopher, Franklin County, Illinois, designated as crossing AAR/DOT 293 701W, milepost 83.00-GE.

Executed by the Illinois Central Railroad Company this $\frac{g^{rh}}{day}$ of $\frac{g^{rh}}{day}$ 2006.

ILLINOIS CENTRAL RAILROAD COMPANY

Bv:

Witness:

fatricia a Zerunah.

Illinois Commerce Commission Stipulated Agreement No. 1224, executed by Commission Staff on August 3, 2006, concerning improvements at the Urbain Road/TR 229B highway-rail grade crossing of the Illinois Central Railroad Company tracks near Christopher, Franklin County, Illinois, designated as crossing AAR/DOT 293 701W, milepost 83.00-GE.

Executed by Tyrone Township Road District this 10th day of Hugust 2006.

TYRONE TOWNSHIP ROAD DISTRICT

By: Jack Leen now

Attest:

AUG 1 1 2006

Illinois Commerce Commission FAIL SAPETY SECTION Illinois Commerce Commission Stipulated Agreement No. 1224, executed by Commission Staff on August 3, 2006, concerning improvements at the Urbain Road/TR 229B highway-rail grade crossing of the Illinois Central Railroad Company tracks near Christopher, Franklin County, Illinois, designated as crossing AAR/DOT 293 701W, milepost 83.00-GE.

Executed by the Department this 24th day of October 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

Ву:

Milton R. Sees, Director of Highways/Chief Engineer

ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT CROSSING DATA FORM

GENERAL INFORMATION: See Location Sketch

RAILROAD	Illinois Central Railroad Company				
USDOT#, MILEPOST	293 701W, 83.00-GE				
STREET, CITY, TWP, CO	Urbain/TR229B, Near Christopher, Tyrone Township, Franklin Co.				
JURISDICTION (RDWY)	Tyrone (Township) Road District				
LOCATION	Rural, Residential				
STREET SURFACE	2-Lane, 2-Way, 19 Foot Wide, Oil and Chip				

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Timber	25 Feet	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	East Belleville Avenue – 25 Feet North			
	Loverick – 114 Feet South			
TRAFFIC CONTROL	Stop Signs for traffic entering Urbain			
ADT & SPEED	225 Vehicles Per Day, Speed Not Posted			
TRAFFIC TYPE	Passenger, Possible School Busses, Possible Hazardous Materials, Possible Emergency Response			
ADVANCE WARNING	None			
PAVEMENT MARKING	None			

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	8 Per day @ 25 MPH, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Reflective Crossbucks

NOTES:

Proposed Improvement: Install automatic flashing light signals and gates

VISIBILITY STUDY: See Location Sketch

Train Speed	25	MPH
Roadway Speed	55 (Assumed)	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	483	FEET
Along Tracks	255	FEET
Required Clearing Sight Distance (CSD)	1323	FEET
(Along Tracks)	·	

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	None
NW	*	***************************************	*	Tree Line
SE	*		*	Tree Line
SW	*		*	Tree Line

^{*}Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH		DIRECTION: SOUTH			
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0		0	100.0	Test talk For
25	99.5	-2.0	25	99.0	-4.0
50	99.5	0	50	98.3	-2.8
100	99.4	-2.2	100	97.5	-1.6

Distance measured from outermost rail.

COMMENTS:

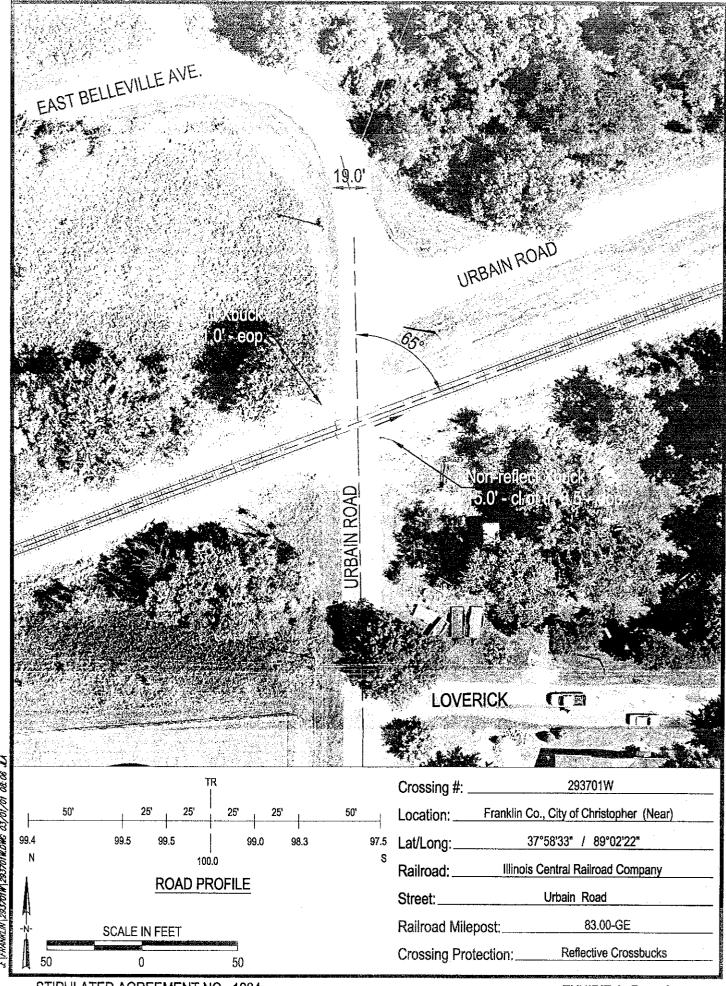
Project is part of FY06 Crossing Safety Improvement Program

PROPOSED COST DIVISION:

ITEM	GCPF	TOWNSHIP	RAILROAD
Signals	95%	0%	5%
Approaches	100%	0%	0%

NOTE: The Township is financially unable to participate in the project.

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



ILLINOIS CENTRAL RAILROAD COMPANY

A WHOLLY OWNED SUBSIDIARY OF

CANADIAN NATIONAL RAILWAY COMPANY

HIGHWAY/RAIL GRADE CROSSING SIGNAL ESTIMATE

Roadway Name: Urbain Street

Date: March 28, 2006

Nearest Station: Christopher, IL.

Est 1056-603

Railroad Division: Central Railroad Subdivision: Eldorado

Railroad Milepost: GE 82.96

DOT Crossing No.: 293 701W

Valuation Section: IL-2

Prepared by: WCR

Description of Work: Signal work to install FLS & Gates.

MATERIAL:

<u>Item</u>	Quantity	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Landfill	1	LOT	\$1,000.00	\$ 1,000.00
Misc. Signal Material	1	LOT	\$500.00	\$ 500.00
CROSSING MATERIALS PACKAGE	<u>:</u>			
GCP4000, 8110-80465-00280	1	EACH	\$19,148.00	\$ 19,148.00
Narrow Band Shunt, 62775-1543	2	EACH	\$533.00	\$ 1,066.00
Rectifier, NRS 15110, 20A	1	EACH	\$446.00	\$ 446.00
Rectifier, NRS 18120, 40A	1	EACH	\$645.00	\$ 645.00
Intelligent Current Sensor, 80271	2	EACH	\$470.00	\$ 940.00
FLX-4000 & Gate Assembly, 2-Way	1	EACH	\$7,160.00	\$ 7,160.00
FLX-4000 & Gate Assy, 2-Way w/1 Sidelite	1	EACH	\$8,170.00	\$ 8,170.00
Arm, E-Z Gate, 16-24'	2	EACH	\$569.00	\$ 1,138.00
Gatekeeper, SK-1000	2	EACH	\$1,975.00	\$ 3,950.00
Bell, Electronic	1	EACH	\$235.00	\$ 235.00
Battery, Ni-Cad, 250 AH	20	EACH	\$250.00	\$ 5,000.00
Foundation, S-2	2	EACH	\$410.00	\$ 820.00
Enclosure, Shunt	2	EACH	\$588.00	\$ 1,176.00
Pre-Wired Aluminum Bungalow, 6X6'	1	EACH	\$13,450.00	\$ 13,450.00
Wire, 2c/6, T10456	300	FEET	\$0.59	\$ 177.00
Cable, 3c/6 TECK, T10458	100	FEET	\$2.12	\$ 212.00
Cable, 7c/6,9c/14, T12481	300	FEET	\$3.70	\$ 1,110.00
				========
SUBTOTAL MATERIAL				\$ 66,343.00

Urbain Street

Page 2

Christopher, IL

Est 1056-603

LABOR:

SIGNAL LABOR

<u>Item</u>	Gang Days	Cost/Day	Cost
5-man Gang	8	1200.00	\$ 9,600.00
SUBTOTAL SIGNAL LABOR			\$ 9,600.00

MISCELLANEOUS LABOR

<u>Item</u>	Quantity	<u>Units</u>	Unit Cost		Cost
Preliminary Engineering Construction Engineering Accounting	1 1 1	L.S. L.S. L.S.	\$2,50 O .00 \$2 75 .00 \$2 0O .00	\$ \$ \$	2,500.00 275.00 200.00
SUBTOTAL MISCELLANEOUS	SLABOR			\$	2,975.00
TOTAL LABOR				¢	42 575 00

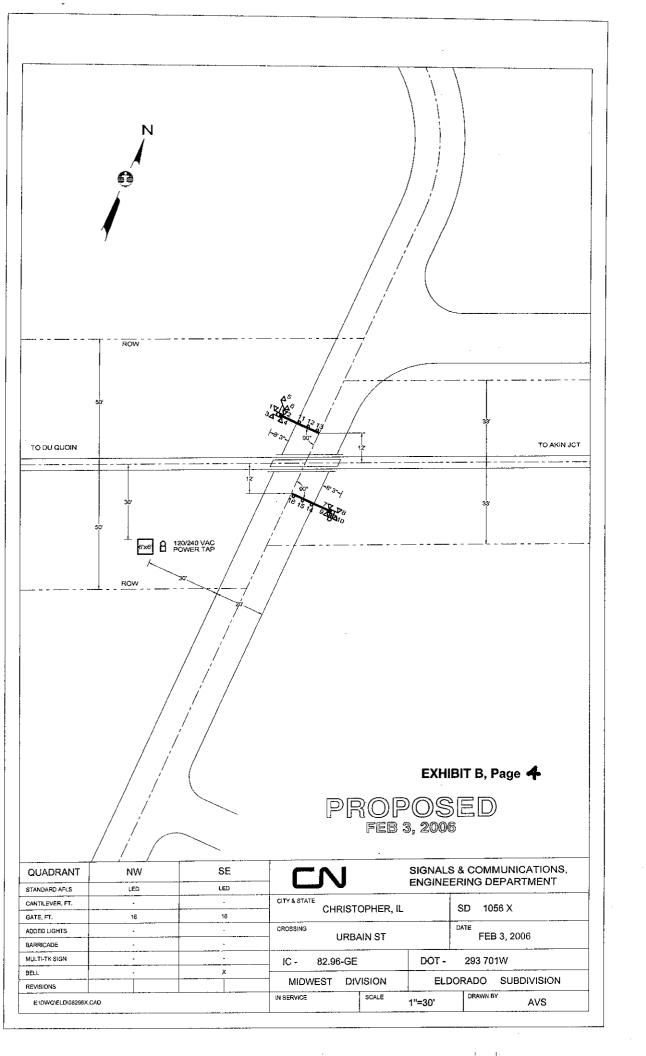
OTHER

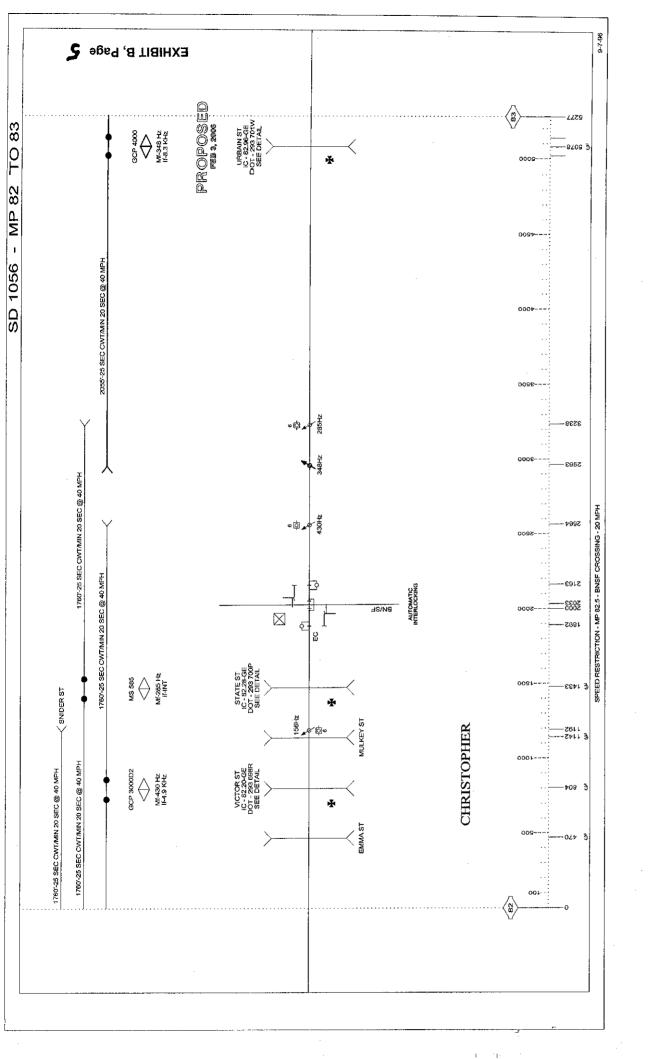
<u>Item</u>	Quantity	<u>Units</u>	Unit Cost		Cost
Per Diem/Business Expense Contractor/Rented Equipment Power Tap Contract-Crossing System Wiring	1 1 1	L.S. L.S. L.S.	\$2,000.00 \$1,600.00 \$1,500.00 \$6,000.00	\$ \$ \$	2,000.00 1,600.00 1,500.00 6,000.00
Freight on Crossing Package Contract Engineering TOTAL OTHER	1	L.S. L.S.	\$3,30O.00 \$6,00O.00	\$ \$ \$	3,300.00 6,000.00 ======== 20,400.00
TOTAL DIRECT COSTS				\$	=== == ==== 99,318.00

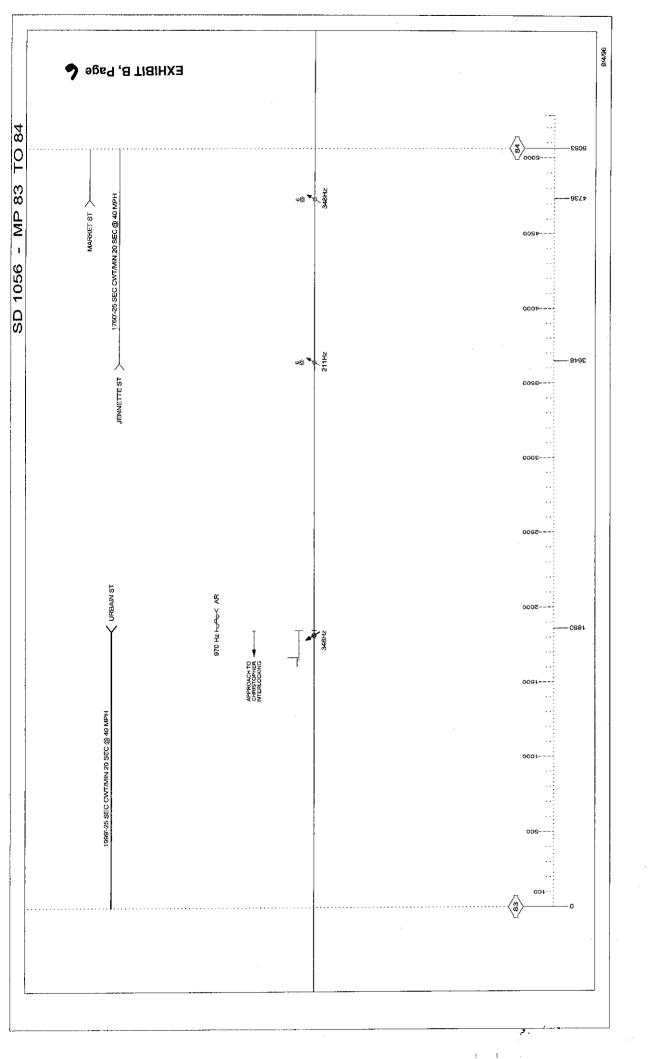
Urbain Street		Page 3
Christopher, IL		Est 1056-603
FAPG ADDITIVES		
Material Material Additive (4.20%)	\$ 66,343.00	\$ 2,786.41
Signal Labor Signal Labor Additive (89.34%)	\$ 9,600.00	\$ 8,576.64
Engineering Labor Engineering Labor Additive (83.29%)	\$ 2,775.00	\$ 2,311.30
Accounting Labor Accounting Labor Additive (74.34%)	\$ 200.00	\$ 148.68
Other	\$ 20,400.00	
TOTAL DIRECT COSTS TOTAL FAPG ADDITIVES	\$ 99,318.00	\$ 13,823.02

GRAND TOTAL FAPG BASIS

113,141.02







Joe Von De Bur Rail Safety Specialist 527 East Capitol Avenue Springfield, Il 62701

RE:

Urbain Road/TR229B AAR/DOT #293 701W

Near Christopher, Franklin County, IL.

Dear Sir:

Attached please find plans for the highway approach work.

The existing road grade will need filled to the grade required as shown on the attached plan. The side road northeast of the railroad tracks grade would be raised to match the proposed grade of the attached plan. This will require placing approximately 150 tons of Bituminous Aggregate Material (BAM). This material could be hauled, placed and rolled by County Forces at a cost of \$40.00 per ton (\$7,000.00 including flagmen). The County Highway Department would be willing to do the work if so directed by the ICC and add the price in the stipulated agreement.

I trust this information will be helpful and if you have any questions please call (618) 439-0331.

Very truly yours,

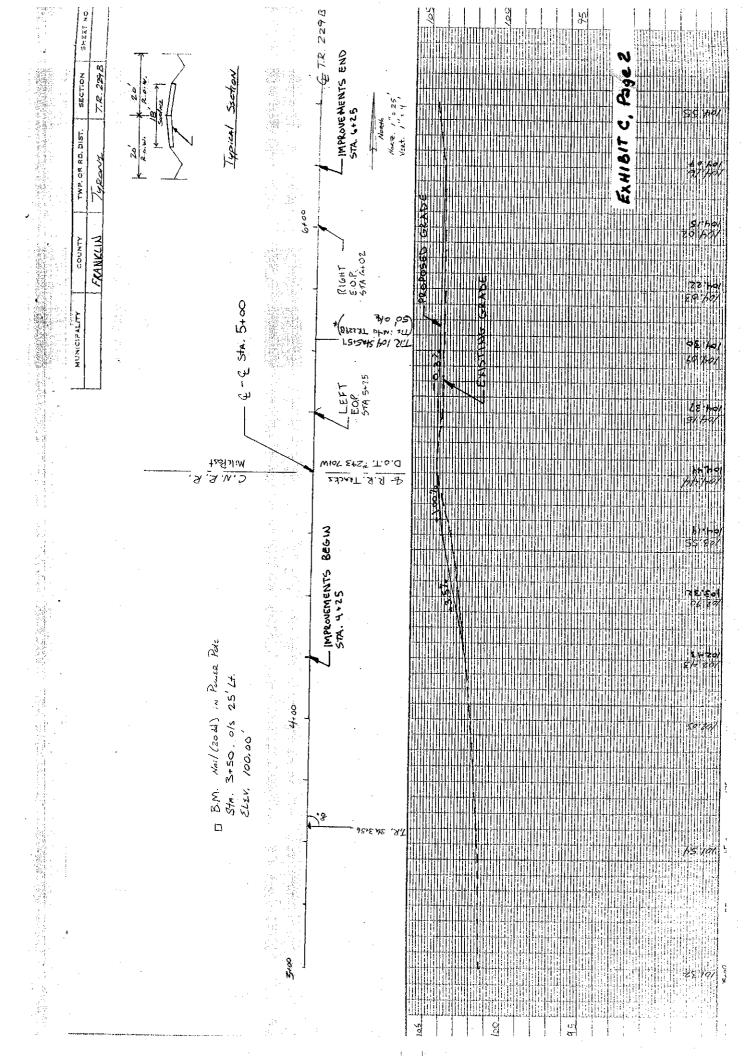
W. Roll

Michael A. Rolla

County Engineer

Franklin County

attachment



ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION PROJECT STATUS REPORT:

TY	DE.	(CHECK	ONE

PROGRESS	
COMPLETION*	DATE

PROJECT INFORMATION:

Reporting Party:	Illinois Central Railroad Company	
Docket/Order #; Date:		
Status Reports Due:		
Ordered Completion Date:		
Completion Report Due ¹ :		
AAR/DOT#, Milepost:	293 701W, 83.00-GE	
Street, (in/near) City, County:	Urbain/600E/TR229B, Near Christopher	
	Tyrone Township, Franklin County	
Railroad Company:	Illinois Central Railroad Company	

Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION2:

Name:	Arne Skrodal
Title:	Engineer – Signal Planning
Representing:	Canadian National
Street Address:	17641 South Ashland Avenue
City, State, Zip:	Homewood, Illinois 60430
Office Phone:	(708) 332-3271
Office Fax:	(708) 332-3514
Cellular Phone:	
E-Mail Address:	Arne.Skrodal@cn.ca

Project Manager Information to be submitted by Roadway Authority and Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Installation of TEMPORARY STOP SIGNS, within 30 days of Commission Order.
- Installation of automatic flashing light signals and gates, CWT

STATUS OF WORK:

ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission 527 East Capitol Avenue Springfield, IL 62701-1827

If you have questions contact:

Joe Von De Bur, Rail Safety Specialist

Phone:

(217) 557-1286

Email:

jvondebu@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

http://www.icc.illinois.gov/rr/library.aspx

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp

Submit Inventory forms to:

Federal Railroad Administration		Chief of Data Services
Office of Safety	And	Illinois Department of Transportation
1120 Vermont Avenue, NW		2300 S. Dirksen Parkway
Washington, DC 20590		Springfield, IL 62764

STIPULATED AGREEMENT NO	
EXHIBIT	

ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION PROJECT STATUS REPORT:

TYPE: (CHECK ONE)	
PROGRESS	
COMPLETION	DATE

PROJECT INFORMATION:

Reporting Party:	Tyrone Township Road District
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	293 701W, 83.00-GE
Street, (in/near) City, County:	Urbain/600E/TR229B, Near Christopher Tyrone Township, Franklin County
Railroad Company:	Illinois Central Railroad Company

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION2:

Name:	Mr. Jack Greenwood	
Title:	Highway Commissioner	
Representing:	Tyrone Township	
Street Address:	2971 Izaac Walton Road	
City, State, Zip:	Mulkeytown, Illinois 62865	
Office Phone:	618/218-1210	·
Office Fax:		
Cellular Phone:		
E-Mail Address:		

²Project Manager Information to be submitted by Roadway Authority and Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

• Improvement of approaches to comply with 92 Illinois Administrative Code, Part 1535.204.

STATUS OF WORK:

ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

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The Illinois Commerce Commission 527 East Capitol Avenue Springfield, IL 62701-1827

If you have questions contact:

Joe Von De Bur, Rail Safety Specialist

Phone:

(217) 557-1286

Email:

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STIPULATED AGREEMENT	NO.	
EXHIBIT		